

**MINUTES**  
**COMMISSIONERS OF BRIDGEVILLE**  
**May 13 2013 – 7:00 P.M.**  
**TOWN HALL**

**I. CALL TO ORDER**

The meeting was called to order by President Pat Correll at 7:00 P.M. Present: Commissioners Paul Kovack, Sharon McDowell, Jay Mervine, Lawrence Tassone, Town Manager Jesse Savage and Town Solicitor Dennis Schrader. The meeting began with the Pledge of Allegiance and Prayer.

**II. QUORUM PRESENT**

President Correll reported a quorum was present to discuss the business of the Town of Bridgeville. She also welcomed Greenwood Mayor Donald Donovan and Councilman Willard Russell and thanked them for attending our Commission meeting.

**III. APPROVAL OF AGENDA**

Motion to approve the Agenda – Tassone; 2<sup>nd</sup> – Kovack; motion carried.

**IV. APPROVAL OF MINUTES**

Motion to approve the Minutes from the April 8th Commission meeting – Tassone; 2<sup>nd</sup> – Mervine; motion carried.

**V. HERITAGE SHORES SPECIAL TAX DISTRICT REPORT – Mr. Joshua Forster, MuniCap, Inc.**

Town Manager Savage introduced Mr. Joshua Forster from MuniCap, Inc. to discuss the 2013-2014 Special Tax Levy. He advised a meeting had been held earlier today with approximately 80 homeowners from Heritage Shores in attendance. He believes a lot of questions and concerns were answered...until new homeowners move in.

Mr. Forster advised the special tax requirement (shown on Table C, page 4) is \$1,370,000, which is \$20,000 less than last year. The primary reason for the reduction is the redemption of Series B bonds, with a number of partial- and full-pre-payments (approximately 27). Table A, page 2, shows the account activity for the past year and fund balances through March 31<sup>st</sup> for the accounts held by Wilmington Trust. Table B, Page 3 shows the rates of return for the accounts and funds held by the trustee - .01% in a Money Market; which is par for the course in this economy. Table C, page 4 shows the special tax requirement, with semi-annual interest payments coming due on the Series A bonds on January 1, 2014 and July 1, 2014 of \$516,960 each. A principal payment is coming due on July 1, 2014 of \$253,000. Debt service for Series A bonds is equal to \$1,286,920. On the debt service of the Series B bonds, there are interest payments on January 1, 2014 and July 1, 2014 of \$24,369. There is a principal payment on July 1, 2014 of \$13,000. Total debt service on the B bonds is \$61,739. (A typographical error was discovered in the report, which will be corrected.)

The administrative expenses equal \$30,416 and are split between the A and B bonds, based on the outstanding respective bonds. There is a contingency equal to approximately 5% of the total annual expenses and it is likewise split between the outstanding A and B bonds, based on the outstanding bonds. The sub-total expenses are \$1, 378,876 for the A bonds and \$66,348 for the B bonds. The resulting investment income for the 2005A reserve bond is \$174.00 and \$8.00 for the B bonds.

Table D, Page 6 shows the surplus from the prior year. The series B bonds have been redeemed three times this year with partial- and full-pre-payments; therefore the interest shown is earned interest from April – July 1, 2013. The total surplus equals \$75,042. Plugging that into Table C, you are left with a special tax requirement for the year of \$1,370,000. It was clarified an increase in taxes is not required; in fact the tax requirement will decrease over time because they are redeeming bonds. If the developer decides to issue additional bonds at any time, the special tax amounts on individual developed properties that homeowners own will not change from what the assigned special tax will be, but the special tax collected from the undeveloped platted and unplatted property would possibly increase.

Table E, Page 7 shows the assigned special tax rate for homeowners who had their homes partially pre-paid by the developer at 58.78%. Table F, Page 8 shows the same for property owners who had their property partially pre-paid at the 30.63% and Table G, page 9 shows the same for homeowners who had their property partially pre-paid at the 58.70% level.

Appendix A, page A13 – of that special tax (\$1,370,000), the total amount to be collected from homeowners and a few residual lots owned by Ryan/Brookfield/Passwaters is \$400,198.64. The balance of approximately \$960,000 will be collected from the platted and unplatted properties, by taking the platted/unplatted properties and assigning a percentage to it, based on the assessed value of each type of property. Of the \$960,000, \$757,000 will be paid from the unplatted property and \$200,000 would be paid from the platted, undeveloped property. These amounts are being paid by the developer. 71% of the special tax is being paid by the developer this year.

There being no questions, motion to approve the Heritage Shores Special Tax District Report – Tassone; second – Kovack. Motion carried.

## **VI. CORRESPONDENCE**

Town Manager Savage advised the Kent/Sussex County yellow phone books will be delivered between June 27 and July 29.

A letter has been received from First State Community Action thanking the Town for its participation in the Legislative Breakfast; President Correll and Town Manager Savage attended on behalf of the Town. They offered information concerning their programs.

The Kiwanis Club of Bridgeville has invited the Commissioners to their Annual Prayer Breakfast on Saturday, May 18<sup>th</sup>. The Town has again sponsored a table and Commissioners are attending.

Dr. Marinucci at the Woodbridge School District has invited the Town to a “Topping Out Ceremony” at the new Woodbridge High School on May 23 at 1:00 P.M. A steel beam will be signed before placement in the structure.

The Town has received a letter from Mrs. Mary Jones from Mt. Calvary United Methodist Church thanking the Town for the participation of Police Chief Longo at their Trustee Day on Sunday, May 5, 2013.

## **VII. APPROVAL OF FINANCIAL STATEMENTS AND BILLS PAYABLE**

Balance Sheet – April 30, 2013  
General Fund - \$201,860  
Reserve accounts - \$620,922  
All Accounts total \$999,013 (decrease - \$50,977)  
Accounts Receivable - \$154,841  
Budget Report Target – 83% of budget  
Income - \$1,896,000 (84%) Expenses - \$1,740,000 (77%)  
Accounts Payable  
Bills - \$77,764 Expected expenses - \$137,100  
Amount to be approved - \$214,864

Motion to approve the bills as presented – Tassone; 2<sup>nd</sup> – Mervine; motion carried.

## **VIII. TOWN REPORTS**

Commissioner Tassone commented that the Police Department is doing an outstanding job. In April they had 37 crimes reported; 35 cleared and only 2 pending, with being 3 officers short. President Correll added that having a part-time secretary has made a significant contribution to the department and Commissioner Tassone heartily agreed.

## **IX. CITIZEN’S PRIVILEGE**

Mr. Bill Atwood of 113 Emily’s Pintail Dr. asked to speak concerning the Ordinances that will be introduced later in the meeting. He stated that the 3 amendments to be introduced all have to do with the relaxing of or reducing code requirements principally in RPC zones. The amendments were drafted by the Heritage Shores developer or their agents and speak to the upcoming new phase/es of the RPC. Mr. Atwood requested that the sponsoring Commissioner withdraw his sponsorship of these amendments and they be stricken from the Agenda. The Town is being asked to begin the governmental review process and approve these amendments well in advance of the developer presenting their plan for Phase III. He believes the cart is before the horse. The developer has told the Town it may be 4, 6 or even 8 months before they will have a Phase III plan to present to the Town for approval. Why would the Town want to make these Ordinance changes now before the development plan is submitted? Concerning Ordinance 2013-D, Mr. Atwood advised the Ordinance changes the maximum height from 12 to 15 feet for detached accessory buildings; however, he believes the HOA does not allow other detached structures. Ordinance 2013E will permit the construction of streets not in conformance with Town or state standards, but with alternate standards and/or cross-sections. He

wonders what this will mean particularly to owners on Emily's Pintail Dr., Whistling Duck Dr. and others who have been living on sub-standard streets, some almost for 7 years. This amendment also reduces from 3 to 2 the off-site/off-street parking requirement for Townhouses and multi-family dwellings. There have been multi-family dwellings on Whistling Duck; however, recently the developer requested conversion of some of these units to single-family dwellings because, as they told us at the time, these units were not selling. He wonders if everyone knows that in the present Town Code multi-family units may be one on top of the other. He is uncertain about what is being planned.

Mr. Atwood believes Ordinance 2013-F is the most troubling amendment, because the proposed lot area would allow up to 200 homes on lot areas per dwelling as small as 2,300 sq. ft., with up to 75% maximum building coverage and a minimum lot width of 40 ft. Current RPC code requirement is a minimum of 5,000 sq. ft., with a minimum of 50 ft. width. Although the coverage requirement is not specified in the Ordinance, it seems close to the 30% that R-1 and R-2 has. His lot has a 55 ft. width and probably 30% coverage, as well. He wonders if building on such lots will negatively impact the value of current residents' homes. Are such small lots consistent with the community concept under which current owners purchased their homes? How will water drainage be handled on such small lots? We all want Heritage Shores to grow and succeed; however, these amendments, as they are presented, are changing Town Code requirements before any justification or rationale has been presented to do so. He thought that the Commissioners had recently decided that no Ordinance amendments would be presented without the sponsorship, support and approval of a member of the Commission. It appears these amendments do not have the approval of any of the Commissioners. He requests the current sponsoring Commissioner to withdraw his sponsorship, the Ordinances be removed from the Agenda and that no Town action be taken on these amendments unless and until the developer presents a development plan application for Phase III to the Town Commission as prescribed by the Code. Our citizens can make their own decisions and express themselves during a Public Hearing, as defined by the Town Code. Mr. Atwood believes the Town is being asked to loosen requirements without having any understanding of what is being planned and he believes that is wrong planning. It is advantageous to the developer and dis-advantageous to the citizens of Bridgeville.

Commissioner Tassone had questioned Town Manager Savage concerning these proposed changes in light of Delaware state law and what people can do with their property. Solicitor Schrader advised the Heritage Shores developer has proposed textual amendments to the Land Use and Development Code of the Town of Bridgeville. It is functionally the same as if someone asked for a Conditional Use or a change of zone. These all must be addressed by the Town Commissioners and the Planning and Zoning Commission and in order to do so procedurally, someone must introduce the Ordinances. Solicitor Schrader advised there is a difference between support and sponsorship of an Ordinance. He does not know if Commissioner Tassone supports the amendments or not, but the Commissioners want to get them on the table so that public debate can take place. There are questions asked by Mr. Atwood that will need to be answered by Heritage Shores in the future. The only action being taken tonight is to introduce the Ordinances. They will then go to the Planning and Zoning Commission for discussion and public input. The Planning and Zoning Commission will make a recommendation to the Town Commission, after which they will take what they believe is the appropriate action.

Commissioner Tassone expressed concern about how the Commission's actions impact a large property owner and what his/her resolution would be, should we negatively impact their ability to manage their own property.

Commissioner Mervine advised he is not supporting nor defending the developer; however, his understanding of is that a Phase III plan has not been submitted because the developer wants to make these changes and develop Phase III under this new vision. He can't do that until these amendments are approved.

Mr. Atwood commented the public has no idea what the developer is going to do. Smaller lots? Two-story units? Those could have an impact on the whole development. He believes the Ordinance should be tabled until you see the plan that is the reason for the Ordinance changes. Commissioner Tassone doesn't believe the developer can draw up a plan that is not in accordance with the Code.

Commissioner Tassone's intention is to put these Ordinances on the table and ask the developers to come to the Heritage Shores homeowners to explain their plans concerning these amendments and how they fit into Phases III and IV. If after a meeting with the developer the Heritage Shores residents are not satisfied that they have the information they need to be comfortable, and as long as the objections are not a violation of the developer's rights under law, Commissioner Tassone will not support the changes, nor does he believe the other Commissioners will support the changes.

Commissioner Kovack added that there is documentation concerning this development that goes back to 2004 with an original concept plan for all of the phases – some of which was accepted and some denied. The starting point of all discussion and decision-making is the introduction of the proposed changes. Mr. Atwood believes the relaxations to the Code are premature when we won't see the developer's actual plan for 8 to 10 months.

Mr. Dick Hagquist of 33 Amanda's Teal Dr. disagrees with the idea that the Phase III plan has to wait until these amendments are passed before the plan can be submitted. No plan at all opens wide conjecture concerning the next phase. He gave an example of the developer building sub-standard roads. Does the Town understand that at some point those sub-standard roads would be Town property to maintain and the potential added cost to maintain sub-standard roads? He also expressed concern about a 1,700 sq. ft. house on a 2,300 sq. ft. lot (75% coverage) which meets no setback requirements in the Town whatsoever (4 ft. side setbacks and 1-1/2 ft. setbacks front/back) if it is a one-story dwelling. Additionally, this increases the number of rooftops, driveways and patios, while decreasing the green areas with a negative impact on stormwater run-off. He questioned if the Commissioners had considered the ramifications, considering the problem in 2006 when the ponds and stormwater run-off overpowered Hearn's Pond. There are sometimes unintended consequences. It is currently all conjecture and people are nervous. Commissioner Tassone advised this is why he intends to have an open meeting with all of the residents at Heritage Shores to address the transparency issue. Introducing the Ordinance is the beginning of discussion.

Commissioner Kovack wondered if it would benefit the situation to table the Ordinances tonight until a meeting could be held at Heritage Shores to discuss the matters with residents and Ms.

Harper. This would be scheduled before the Planning and Zoning Commission takes the time and effort to delve into the Ordinance in greater depth.

Solicitor Schrader advised there will be several levels of Public Hearing to afford the citizens of Heritage Shores and all Town residents the opportunity to speak to the merits of these Ordinances. The Public Hearings will determine if the Ordinances, as they have been tendered, will or will not be adopted. If there are specific plans to be made as to Heritage Shores, then site-specific data, such as Mr. Hagquist requested, will have to be brought to the Commission and Planning and Zoning later on as a part of a revised site plan review. Many topics would be included, i.e. stormwater management, adequate facilities, road construction standards and others.

Commissioner Tassone believes the turning over of roads to the Town will be the same as in the past. Town representatives and Heritage Shores representatives will walk the roads and point out deficiencies and Heritage Shores will correct them. When the Town representatives agree that the streets meet the Code, the streets are turned over to the Town.

Mr. Carlos Alvarez from 99 Emily's Pintail Dr. advised he is a road engineer and he would never approve a change in the engineering and construction standards without seeing the specific plans and specifications proposed for it and how they divert from the standards of that community. He is totally opposed to any kind of open-ended reference to new methods for roads. The state of Delaware is one of the leading states in this area. If what the developer is proposing does not align with appropriate standards, it shouldn't be considered. Commissioner Tassone agrees and believes it would be an appropriate topic when they have the meeting with Ms. Harper.

Town Manager Savage seems to be hearing that the Ordinance could be passed and the specifics would be dealt with later during consideration of the actual site plan; however, if the specifics are in agreement with the Code, we couldn't turn down the plan. It was clarified there is not an approved site plan for Phase III at this time.

Mr. Phillip Clark from 32 Amanda's Teal Dr. agreed with Commissioner Kovack that there should be no hurry in this matter. He suggested having a meeting with Heritage Shores, the Bridgeville Commission and the developer to tell residents their plan to deal with everyone's uncertainty and concerns. Commissioner Tassone advised it would be an open meeting and anyone would be welcome.

President Correll was under the impression the developer had already discussed the Phase III plan out at Heritage Shores. Commissioner Tassone advised the developer has discussed the matter with him and he then felt comfortable to introduce the Ordinances for further public review. He advised Heritage Shores' land management person, Mr. Dave Carro, and the solicitor, Mr. Ryan Showalter, are here this evening and should be able to shed some light on their plan.

Mrs. Ruth Skala from 108 Whistling Duck commented she has followed this very closely. She followed the change from attached home to single family. She sat in this room and heard the developer say the single family homes built on Whistling Duck Dr. were going to be very small homes. There is so little room on the side of her house that she can't even have mold remediation done. She believes what's already happening on Whistling Duck Dr. needs to be seriously considered before the

developer even thinks of building new homes any closer together. Beautiful homes, lovely people, but they can shake hands every morning.

On another topic, Mrs. Skala noticed on the Special Tax District report that \$112,000 was taken out of Series B reserve. She asked if that was because the bond has been paid down more. Mr. Forster advised when you redeem bonds with pre-payments or anything else, you also take a pro-rata portion from the reserve fund and redeem additional bonds with that. That is how you reduce funds in the reserve fund; it is due to redemption of bonds.

Heritage Shores Solicitor, Mr. Ryan Showalter, advised he appreciates the comments and questions tonight. He understands them. Looking at the big picture, they are trying to find ways to re-invigorate excitement and activity at Heritage Shores. There is no intention to change Heritage Shores dramatically. They are considering changes, but they are not significant. They are looking forward to the next marketing season, spring 2014, which means working many months ahead with the plan review process that goes to the Planning and Zoning Commission, is approved by the Commissioners and is presented to the community. All that must take place before engineering plans can be made and permits issued. They are looking for enhancements to interest potential buyers by diversifying product type – smaller homes, community green space, less emphasis on private backyards, etc. A desire for a small percentage of lots to be smaller is not going to increase density. They cannot afford to develop land plans that would not be approvable; therefore, there is not a complete land plan to look at currently.

On the issue of streets, Mr. Showalter reported the current RPC streets do not conform to the Town's street standards, due to the fact that the Town approved street standards after Heritage Shores was approved. The text amendments state that streets in an RPC can be constructed in accordance with the state codes, the Town general standards, or cross-sections specifically approved by the Town Commissioners. There is no desire to make substandard streets; the streets will be structurally sound and constructed in accordance with good engineering practices; however, the design might be different. No specific standard is delineated; the streets must be built to Town standards or alternative standards approved as part of a final RPC site plan. Mr. Showalter is interested in starting the process by introducing these Ordinances, knowing that it will take several months to reach approval. After potential approval, the developer will need time to produce specific land plans based on the Town's decisions on these Ordinances. Those specific land plans then must go through the Planning and Zoning and Town Commission process. Any delays will hamper the developer for being ready for a spring marketing push in 2014.

President Correll understands the Phase III plan will come before the Commissioners next June. Mr. Showalter advised the developer hopes to have approvals significantly before then and be under construction in Phase III before June 2014.

Mr. Carro clarified that tonight's discussion involves Phase III, not Phases I or II.

Commissioner Tassone questioned the 12ft. to 15ft. height variance. He believes that topic came up several years ago when casitas were considered. Is that the reason for the height change? Mr. Showalter advised, in future phases, not in I or II, they would like to have the ability to consider constructing something like a casita. It would not be a dwelling unit and could not be rented, nor could

it be constructed before the dwelling on a property. This Ordinance would allow an accessory building with a taller height and roof pitch.

Mr. Atwood asked if the Ordinances are approved through the proper channels, including the percentage of lots down-sized to 2,300 sq. ft. and it turns out to be a bad idea, is there any recourse to stop producing the “bad idea,” yet approved plan.

Solicitor Schrader advised these Ordinances will approve a minimum standard, not the only standard. “Bad idea” is too generic to deal with. The Land Use and Development Code already establishes certain design and criteria standards that have to be followed when the Commissioners make a decision on what is or isn’t a good decision for an RPC. For instance, lot sizes can be rejected because they do not take into consideration fire safety equipment access in the event of a fire. That would be a reason to turn down a site plan. With valid logic behind it, something in the Code can be rejected. The setback requirements for Bridgeville were questioned. Solicitor Schrader advised it depends on your district. In an RPC the Commission has the authority to vary that as a part of the RPC design standard.

Mr. Showalter does not want to spend time and money designing something in detail that will be rejected by the Commissioners. They want to bring ideas before the Commissioners first before they invest money into the plan.

Ms. Cathy Connor from 33 Amanda’s Teal Dr. suggested having Ms. Dottie Harper come to a meeting to share with Heritage Shores residents before spending any money or coming before the Commissioners. Mr. Showalter advised that is part of the process and they intend to host a meeting at Heritage Shores.

Commissioner Tassone reiterated that once the Ordinances are introduced for the purposes of discussion, he would have the open meetings within 3 weeks so that residents can get their questions answered. If the response from the community is negative he would either withdraw the Ordinances or table them until they suit the residents. He advised the developer is trying to move the project forward and there are definitive deadlines he faces concerning infrastructure installation, etc. Our lack of cooperation could cost the developer large sums of money. We do not want to stand in the way of the developer’s rights to develop the property.

President Correll reported she has checked out developments in other communities (Millsboro/Lewes) to determine the differences and similarities between them and Heritage Shores. She wanted to increase her knowledge of developments, in general, in order to make good decisions concerning Heritage Shores. Times have changed economically since Heritage Shores began.

## **X. OLD BUSINESS**

### **A. Public Hearing, Discussion and Possible Voting on: AN ORDINANCE AMENDING THE CODE OF BRIDGEVILLE AS IT RELATES TO LAND USE AND DEVELOPMENT TO REQUIRE LANDSCAPING PLANS IN RESIDENTIAL PLANNED COMMUNITIES AND SUBDIVISIONS TO BE DEVELOPED IN PHASES (#2013-A)**



Solicitor Schrader advised this Ordinance was introduced at the April Commission meeting. The Commissioners also conducted a workshop to discuss the Ordinances further on April 25<sup>th</sup>. Solicitor Schrader also read the second Ordinance (Old Business B. on this agenda.)

**AN ORDINANCE AMENDING THE CODE OF BRIDGEVILLE AS IT RELATES TO BRUSH, GRASS AND WEEDS BY ADDING EXEMPTIONS (#2013-B)**

Solicitor Schrader advised the first Ordinance would require and allow the Town Commission to review landscaping plans in all subdivisions and RPCs in the Town. The second Ordinance says that if you have an approved landscaping plan in a subdivision or RPC, you would be exempt from the 8" grass cutting requirement that is set out in the Town's current Brush, Grass, Weeds Ordinance, by exception. Commissioner Kovack commented that the Charter does not grant us the ability to exonerate any entity from any Ordinances that have been violated in the past. Solicitor Schrader agreed that this Ordinance does not excuse prior violations. Commissioner Tassone commented we want to move forward and get the community landscaped to the Town's satisfaction. Solicitor Schrader advised the RPC has a Public Hearing before the Planning and Zoning Commission on Wednesday night, May 13<sup>th</sup> on the issue of its Landscaping Plan, assuming the Commissioners adopt the Ordinances tonight. Commissioner Kovack reiterated that he cannot give exemptions for previous violations by the RPC.

The Public Hearing was opened at 8:07 P.M.

Mr. Bill Atwood, Chairman of the Planning and Zoning Commission advised that body had discussed applying this Ordinance to other zones – manufacturing, industrial and commercial. He questioned whether this Ordinance includes those zones. Solicitor Schrader reported he was not instructed by the Town Manager to move forward with the other zones. Mr. Atwood questioned noxious weeds, as well. Town Manager Savage advised he will work with Solicitor Schrader toward including noxious weeds.

Mr. Carlos Alvarez from 99 Emily's Pintail Dr. asked if the Commissioners are aware of the new homes being built on Whistling Duck Dr. President Correll advised she has driven by them. Mr. Alvarez expressed concern about the setbacks between properties and in the rear. They are already built and they represent a fire hazard due to their setbacks precluding the easy access by fire equipment. President Correll advised the homes must be approved by the Fire Marshall.

Solicitor Schrader reminded the audience this is a Public Hearing on landscaping plans.

President Correll closed the Public Hearing at 8:10 P.M. Motion to adopt Ordinance #2013-A – Kovack; second – Tassone. Motion carried.

**B. ORDINANCE #2013-B**

A Public Hearing was opened at 8:11 P.M. for this Ordinance. Commissioner Kovack advised the Heritage Shores Covenant requires grass to be no greater than 5" and suggested that the Town enforce that height. Solicitor Schrader advised the Covenant is a private contract between the

developer and the property owners. We do not enforce a private Covenant. There being no further comments or questions, the Public Hearing was closed at 8:13 P.M.

Motion to adopt Ordinance #2013-B with the understanding that this is not a waiver of violations that occurred prior to the date of adoption – Kovack; second – Tassone. Motion carried.

## **XI. NEW BUSINESS**

### **A. Wastewater Facility Plan Approval**

Town Manager Savage advised the actual approval has been postponed. Mr. Jason Loar from our engineering firm, Davis, Bowen and Friedel, Inc. is here to present an update. Mr. Loar advised they are currently working on a Wastewater Facility Plan for Bridgeville for the strict purpose of the upcoming NPDES permit to discharge wastewater. The new permit that will soon be enforced cuts the Town's ability to discharge nutrients into the Bay by ½; therefore the Town must respond. DNREC has required a Facilities Plan to be completed so they will be able to ascertain the Town's financial needs. At a recent workshop the Commissioners discussed options and recommendations and will finalize the Facilities Plan for approval or for an additional workshop in the near future. Generally speaking the Town is leaning toward continuing spray irrigation of the Town's wastewater; however, due to the age and suitability of the current wastewater plant, it will need to be upgraded or modified to adequately treat the wastewater. They have made plans to do that, along with exploring additional land the Town will need to come into compliance. As soon as the new NPDES permit goes into effect, the Town will have 5 years to come into compliance.

The Town will receive its NPDES permit. This plan is working toward being able to meet the permit's requirements. Town Manager Savage added that state funds were used to complete this study.

### **B. Appointment of Planning and Zoning Commission Member**

Town Manager Savage advised the Town has received 2 resumes concerning the open Planning and Zoning seat. Former Commission Conaway did not wish to continue on the board. The applicants are Mr. Ed Lewandowski and Mr. Stephen Dell. Commissioner Mervine asked if there is a policy in place concerning having all districts represented on the Planning and Zoning Commission. President Correll advised her district is not currently represented; however, she doesn't have anyone in her district who could participate. In the past it has been open for anyone to apply.

Commissioner Tassone reported this is the first time since he has been on the Town Commission that we have had 2 outstanding candidates for a position. He believes the magnitude of the responsibility on the Planning and Zoning Commission in the years to come dictates that we assure that everyone we appoint has the kind of skills that both of these gentlemen have. He recommends Mr. Dell; however, he would hate to lose Mr. Lewandowski, as he is familiar with this particular community. He added, we have some individuals who have served on that Commission for a long period of time and he is not certain that each time a member's term comes due, even if they have given us good service, that we should automatically reappoint them to the Commission. He believes we would be negligent in not taking advantage of this second candidate, if we are not hindered by how many members we can appoint. If we can't add more, he suggests speaking to the members who are to

be reappointed and see if one of them would like to step down. President Correll believes the other Planning and Zoning members have already been reappointed and there will be no additional vacancies or reappointments this year. There are currently 7 members on the Commission. 5 are appointed; 1 is a representative of the Fire Company and another is a representative of the Historical Society. She does not believe the Commission ever settled on a particular number for the board itself. Solicitor Schrader advised it would be written in the Town Code or Title 22 of the Delaware Code. He advised typically it is a 5 member board. Town Manager Savage investigated the matter and advised the group can be not less than 5 and no more than 9. Putting both individuals on the board would give us 8 members. Mr. Kenny McDowell, head of Sussex County Board of Elections was in the audience and advised if there is a tie, the matter does not pass. Solicitor Schrader added that a majority of the members of the board must vote in favor of passage, not a majority of the quorum present. In this case, every issue would take 5 votes to be adopted. He believes there will be some erosion based on disqualifications due to personal interest.

Motion to appoint Mr. Dell and Mr. Lewandowski on the Planning and Zoning Commission – Tassone; second – McDowell. Motion carried.

#### **C. Grease Trap Exemption – St. Mary’s Episcopal Church**

The Town has received a request for a Grease Trap exemption from St. Mary’s Episcopal Church. Motion to approve a grease trap exemption for St. Mary’s Church – Tassone; 2<sup>nd</sup> – Kovack. Motion carried.

#### **D. Awarding of Contracts**

Commissioner Tassone questioned whether this money comes from former Senator Booth. Town Manager Savage advised it came from the Senator’s Community Transportation Funds before he left office. We a contract with Davis, Bowen and Friedel for the maintenance of the contracts; they have handled bidding for the projects.

1) Repaving Town Parking Lot – 2 bids received; low bid of \$16,260 was Delmarva Paving Company and DBF recommends their approval. It was noted the number of parking spaces will be increased. The large tree at the entrance will not be removed.

2) Railroad Ave. Paving/Treatment Plant Driveway Entrance – 4 bids received; low bid of \$54,738.40 was Delmarva Paving Company and DBF recommends their approval. Commissioner Tassone asked if we give preference to local contractors. Mr. Loar advised the Town gives local contractors every opportunity. They consider the low responsive responsible bid and Delmarva meets those criteria.

3) Storm Drain/Catch Basin Grading Replacement – 2 bids received; there was a slight discrepancy in the addition of the low bidder and after resolution of that (46 cents) the low bid of \$27,171.94 was T.K. Construction (Salisbury, MD); DBF recommends their approval.

Motion to accept bids recommended by Davis, Bowen & Friedel, Inc. – Mervine; second – Tassone. Motion carried.

## **XII. INTRODUCTION OF ORDINANCES**

### **A. AN ORDINANCE AMENDING THE LAND USE AND DEVELOPMENT CODE OF BRIDGEVILLE TO INCREASE THE MAXIMUM HEIGHT LIMIT FOR ACCESSORY BUILDINGS (Tassone - #2013-D)**

Commissioner Tassone reported he is introducing the above-mentioned Ordinance.

### **B. AN ORDINANCE AMENDING THE LAND USE AND DEVELOPMENT CODE OF BRIDGEVILLE AS IT RELATES TO LOT ACCESS, STREET STANDARDS, OFF-STREET PARKING AND SHARED PARKING IN RESIDENTIAL PLANNED COMMUNITIES (Tassone - #2013-E)**

Commissioner Tassone reported he is introducing the above-mentioned Ordinance.

### **C. AN ORDINANCE AMENDING THE CODE OF BRIDGEVILLE AS IT RELATES TO LAND USE AND DEVELOPMENT TO PERMIT RECREATIONAL FACILITIES, SPAS, SWIMMING AND TENNIS CLUBS IN RESIDENTIAL PLANNED COMMUNITIES AND TO DECREASE THE MINIMUM LOT SIZE AND WIDTH IN RESIDENTIAL PLANNED COMMUNITIES (Tassone - #2013-F)**

Commissioner Tassone reported he is introducing the above-mentioned Ordinance.

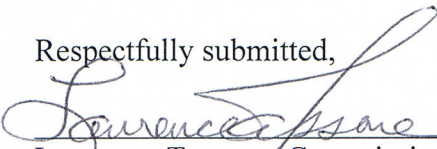
President Correll wanted to remind residents that the Bridgeville Memorial Day Celebration will be taking place on Monday, May 27<sup>th</sup> at 9:30 A.M. at the Bridgeville Cemetery. Commissioner Tassone advised there will be a tent and seating.

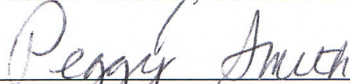
Commissioner Kovack advised on May 14<sup>th</sup> our police officer, John McQuown, will be a candidate for Officer of the Year for Police Departments less than 20 employees. The event is in Rehoboth Beach and Chief Longo will be representing the Town. He was nominated because of his rescue of a gentleman from a burning building at Laverty Lane. He has already received the Chief's Association Award. The Commissioners are invited to buy tickets and attend.

## **XIII. ADJOURNMENT**

Motion to adjourn – McDowell; 2<sup>nd</sup> – Kovack. Motion carried. The meeting was adjourned at 8:38 P.M.

Respectfully submitted,

  
Lawrence Tassone, Commission Secretary

  
Peggy Smith, Transcriptionist